



U.S. Department of Justice

United States Attorney
Southern District of New York

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

July 17, 2023

BY ECF

Honorable Katherine P. Failla
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

MEMO ENDORSED

Re: *United States v. Pignatello*, 22 Cr. 653 (KPF)

Dear Judge Failla,

On behalf of both parties, the Government writes respectfully to update the Court on the status of the above-captioned case and to move to release the defendant on conditions pending disposition of the proceedings for his violations of supervised release.

The defendant commenced his three-year term of supervised release on or around September 23, 2022. The June 13 Violation Report detailed the Probation Officer's considerable efforts to work with the defendant to address his substance abuse conditions and the violations that led to the Probation Office's request for Court intervention.

On July 7, 2023, the parties appeared for an initial conference. The Court remanded the defendant pending defense counsel's efforts to identify an inpatient treatment facility that would accept the defendant for a course of treatment under conditions satisfactory to the Probation Office.

We understand that one such facility, the Resource Recovery Center of Orange County in Middletown, New York ("RRCOC"), has availability for the defendant beginning on Wednesday, July 19, and can send staff to pick up the defendant on that day from a release point in New York City and transport him to the RRCOC. Correspondence from the RRCOC is attached as Exhibit A.¹

The RRCOC offers a 28-day course of treatment. The Probation Office believes that, in view of the defendant's history of substance abuse and recent failures to complete a range of treatment programs, three months is the minimally acceptable course of inpatient treatment. The defendant agrees to commit to at least a three-month course of treatment should he be released

¹ While the RRCOC's letter refers to a "conditional acceptance" and "possible expected admission date," Probation Officer Specialist Lisa Faro spoke with a representative of the RRCOC on July 17, 2023, and is comfortable that the RRCOC stands ready to accept the defendant and provide him with a bed on July 19, should the Court order his release to their program.

pending disposition of his VOSR proceedings. Probation Officer Specialist Lisa Faro has spoken with a representative of the RRCOC and understands that the Center is also prepared to identify a subsequent inpatient program for the defendant to continue his treatment following his 28 days at the RRCOC.

Accordingly, the parties respectfully request that the Court order the defendant's release subject to the following conditions:

- 1) That three months of inpatient treatment for substance abuse be imposed as an additional condition of the defendant's supervised release.
- 2) That the United States Marshals Service produce the defendant to the courthouse at 500 Pearl Street by 9:00 a.m. on Wednesday, July 19, where he will be released from the Marshals to Probation and taken to the RRCOC vehicle no later than 11:00 a.m.² for transport to that facility for a 28-day course of treatment.³
- 3) That upon the defendant's completion of the RRCOC's 28-day course of treatment, the defendant complete two additional months of further inpatient treatment at a facility to be selected by the Probation Office.
- 4) That should the defendant not successfully complete the agreed-upon three months of inpatient treatment, the defendant may be subject to immediate remand pending the disposition of his VOSR proceedings and any sentence that may be imposed therein.

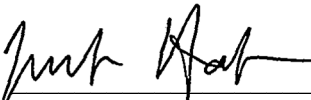
² We understand that the RRCOC will extend their typical pickup time of 9:00 a.m. to 11:00 a.m. on Wednesday morning, July 19, but cannot extend it further. We therefore respectfully request that the Court's order require the Marshals to have the defendant prepared for release to Probation no later than that time.

³ The parties are requesting that the defendant be produced to the Courthouse, rather than that he be released directly from the MDC, because the MDC cannot guarantee that it would be able to release the defendant by the RRCOC's 11:00 a.m. pickup deadline.

While the parties are not requesting a conference, they will make themselves available should the Court wish to hold one. In view of the RRCOC's 11:00 a.m. pickup cutoff, and the Marshals' need to process the defendant prior to his release to Probation, the parties respectfully submit that any such conference be scheduled at the Court's earliest availability.

Very truly yours,

DAMIAN WILLIAMS
United States Attorney

by: 
Justin Horton
Assistant United States Attorney
(212) 637-2276

cc: Benjamin Silverman, Esq., and Katharine Nephew, LCSW
U.S. Probation Officer Specialist Lisa Faro

Application GRANTED. The Court hereby imposes a condition of three months' inpatient treatment as an additional condition of Mr. Pignatello's supervised release. The Court further ORDERS that Mr. Pignatello be released from the Metropolitan Detention Center for purposes of drug treatment at the Resource Recovery Center of Orange County ("RRCOC") for a period of twenty-eight days, after which Mr. Pignatello is ordered to be relocated to a facility to be selected by the Probation Office for a period of sixty days. The U.S. Marshals Service is directed to produce Mr. Pignatello to the 500 Pearl Street Courthouse by 9:00 a.m. on Wednesday, July 19, where he will be released to the custody of Probation and be taken to the RRCOC's vehicle no later than 11:00 a.m. for transport to that facility.

Should Mr. Pignatello fail to successfully complete the agreed-upon three months of inpatient treatment, he may be subject to immediate remand pending the disposition of his VOSR proceedings and any sentence imposed therein.

The Government is directed to serve this endorsement upon the U.S. Marshals Service.

Dated: July 17, 2023
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE